

CHARLES A. MICHALEK, ESQ.
Nevada Bar No. 5721
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third Street
Las Vegas, Nevada 89101
Phone: (702) 383-3400
Email: cmichalek@rmcmlaw.com

BRIAN T. MAYE (admitted *pro hac vice*)
MATTHEW D. MARTIN (admitted *pro hac vice*)
ADLER MURPHY & McQUILLEN LLP
20 South Clark Street, Suite 2500
Chicago, Illinois 60603
Phone: (312) 345-0700
Email: bmaye@amm-law.com
mmartin@amm-law.com

Attorneys for Defendant FRONTIER AIRLINES, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER DELVECCHIA, individually and as)	Case No.: 2:19-cv-01322-KJD-NJK
next friend of A.D., a Minor,)	
)	
<i>Plaintiffs,</i>)	FRONTIER AIRLINES, INC.'S
)	RESPONSE TO PLAINTIFF'S
v.)	MOTION FOR AN ORDER TO
)	SHOW CAUSE
FRONTIER AIRLINES, INC., <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**DEFENDANT FRONTIER AIRLINES, INC.'S RESPONSE TO PLAINTIFF'S MOTION FOR
AN ORDER TO SHOW CAUSE**

Defendant, FRONTIER AIRLINES, INC. ("Frontier"), by its undersigned counsel, and for its Response to Plaintiff Peter DelVecchia's Motion for an Order to Show Cause (ECF No. 122), states:

Plaintiffs seek from Frontier certain documents that have been identified as containing sensitive security information ("SSI"). Under 49 CFR §1520.5 and 49 CFR §1520.9, Frontier is prohibited from producing such documents to Plaintiffs, unless authorized by the Transportation Security Administration ("TSA"). Because the documents at issue appear to be relevant and discoverable, Frontier favors

1 producing such documents to Plaintiffs. The TSA can authorize disclosure of SSI to Plaintiffs under 49
 2 CFR §1520.11 and 49 CFR §1520.15, upon satisfactory completion of a security background check or
 3 other procedures and requirements for safeguarding SSI that are satisfactory to the TSA. *Ibrahim v. Dep't*
 4 *of Homeland Sec.*, 669 F.3d 983, 999 (9th Cir. 2012); *Office of the People's Counsel v. PSC of the D.C.*,
 5 21 A.3d 985, 994 n.17 (D.C. 2011).
 6

7 Frontier submitted the documents at issue to the TSA for an SSI determination. Such SSI
 8 determination has been completed, and the TSA provided the documents at issue with redactions of SSI.
 9 Such redacted documents have been produced to Plaintiffs. In order for the documents at issue to be
 10 produced to Plaintiffs without the SSI redactions, an SSI-specific Protective Order must be entered. The
 11 TSA previously provided a proposed SSI Protective Order to the parties in this matter. The parties
 12 proposed modifications to the proposed SSI Protective Order, which have now been approved by the
 13 TSA. Frontier will file the modified proposed SSI Protective Order shortly. Accordingly, it appears that
 14 Plaintiffs' Motion for an Order to Show cause is now moot.
 15

16 DATED May 20, 2021

Respectfully submitted,

FRONTIER AIRLINES, INC.

/s/ Brian T. Maye

 Brian T. Maye (admitted *pro hac vice*)
 Matthew D. Martin (admitted *pro hac vice*)
 ADLER MURPHY & McQUILLEN LLP
 20 South Clark Street, Suite 2500
 Chicago, Illinois 60603
 Phone: (312) 345-0700
 Email: bmaye@amm-law.com
mmartin@amm-law.com

Charles A. Michalek (Nevada Bar No. 5721)
 ROGERS, MASTRANGELO, CARVALHO &
 MITCHEL
 700 South Third Street

Las Vegas, Nevada 89101
Phone: (702) 383-3400
Email: cmichalek@rmcmlaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2021, I caused the foregoing to be electronically filed with the United States District Court for the District of Nevada using the CM/ECF system.

/s/ Brian T. Maye